IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

THURSDAY, THE 23RD AUGUST 2007 / 1ST BHADRA 1929

WP(C).No. 24869 of 2007(I)

PETITIONER:

MURALEEDHARAN P.,
VARUVILAKATHU VEEDU,
AMBALATHARA, POONTHURA P.O.,

BY ADV. SRI.M.SREEKUMAR

RESPONDENTS:

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1. THE DISTRICT COLLECTOR,
COLLECTORATE,THIRUVANANTHAPURAM.

2. TAHSILDAR,
NEYYATTINKARA, THIRUVANANTHAPURAM.

3. THE VILLAGE OFFICER,
PALLICHAL VILLAGE,
PALLICHAL, THIRUVANANTHAPURAM.

4. THE SUB INSPECTOR OF POLICE ,
BALARAMAPURAM POLICE STATION,
BALARAMAPURAM, THIRUVANANTHAPURAM.

BY GOVT. PLEADER SRI.I.V. PRAMOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

WP(C) NO. 24869 OF 2007 - I

Dated this the 23rd day of August, 2007

J U D G M E N T

The petitioner's JCB Escavator bearing Registration No.KL-01-S-7864 and tipper lorry bearing Registration No.KL-01-AE-745 were seized alleging illegal activities in removal of earth causing landslide and damage to the roof of another house. Thereafter, the petitioner was served with Ext.P7 intimation stating that the first respondent has imposed a fine of Rs.30,000/- on the petitioner and the vehicles will be released on payment of the same. The contention of the petitioner is that the order referred to in Ext.P7 has not been communicated to the petitioner and in any event, the District Collector has no jurisdiction to pass such an order. But, I feel that I cannot consider those contentions without the petitioner challenging the said order.

2. In the above circumstances, the writ petition is disposed of with the following directions:-

The first respondent is directed to communicate a copy of the order referred to in Ext.P7 to the petitioner within two weeks from today. In the meanwhile, the vehicles shall be released to the petitioner on his furnishing a security for an amount of Rs.30,000/- (Rupees thirty thousand only) and producing proof of ownership of the vehicles. The petitioner shall not alienate or otherwise part with possession of the vehicles also. The petitioner would be free to challenge the said order referred to in Ext.P7 and the above order would be subject to his rights.

S. SIRI JAGAN,
Judge

Mbs/

S.SIRI JAGAN, J

W.P.(C) NO. OF 2001

J U D G M E N T

DATED:01-06-2007